

DECISION  
TALBOT COUNTY BOARD OF APPEALS  
Appeal No. 15-1634

Pursuant to due notice, a public hearing was held by the Talbot County Board of Appeals at the Bradley Meeting Room, Court House, South Wing, 11 North Washington Street, Easton, Maryland, beginning at 7:00 p.m., September 21, 2015 on the application of **PHILLIPS WHARF ENVIRONMENTAL CENTER, INC.** (“Applicant” or “PWEC”). The Applicant is requesting approval for a modification of a special exception for the placement of a 24’ x 60’ temporary trailer for classroom/educational purposes. PWEC proposes to remove the temporary structure within six months of the finishing construction of Phase II of its expansion of its facility near Tilghman. The property is located on 6129 Tilghman Island Road, Tilghman, Maryland 21671. It is in the Village Center/Critical Area (VC/CA) zone. The Applicant is the property owner. The request is made in accordance with Chapter 190 Zoning, Article I, §190-8, Article III, §190-16 and Article IX, §190-180E of the Talbot County Code.

Present at the hearing were Board of Appeals members Paul Shortall, Jr., Chairman, Phillip Jones, Vice Chairman, John Sewell, Margaret Young, and Jeffrey Adelman. Jeremy J. Rothwell, Planner I, attended the hearing on behalf of the County. Elizabeth Fink, Fink, Whitten & Associates, 8626 Brooks Drive, Unit 103, Easton, Maryland 21601, appeared on behalf of the Applicant. Glenn D. Klakring was the attorney for the Board of Appeals.

It was noted for the record that all members of the Board had individually visited the site.

The following exhibits were offered and admitted into evidence as Board’s Exhibits as indicated:

1. Application for special exception modification with Attachments for Specific Request, Attachment A and Attachment C.
2. Copy of a portion of the Talbot County tax map with the property highlighted.

3. Notice of Public Hearing.
4. Certificate of publication of the Notice of Public Hearing from the *Star-Democrat*.
5. Notice of hearing with a list of nearby property owners attached thereto as Attachment B.
6. Copy of special exception modification requirements from the zoning ordinance with the Applicant's response to each applicable requirement. See Attachment C attachment to A.
7. Staff Memorandum.
8. Planning Commission Comments.
9. Sign maintenance agreement.
10. Site plans.
11. Floor plans and elevation drawings.
12. Letter from the Critical Area Commission, dated August 28, 2015.
13. Letter from State Highway Administration, dated September 4, 2015.
14. Independent Procedure Disclosure and Acknowledgement Form.
15. Aerial photograph.
16. Board of Appeals Decision No. 14-1610.
17. Photograph from staff site visit.

The first witness was Elizabeth Fink. She reminded the Board of its 2014 approval of the Applicant's request to expand the uses of its property. The approval was for the expansion of an existing seafood processing facility to include, among other things, classrooms to be used for educational purposes. The new facility has not yet been completed and the Applicant would like to use a temporary trailer for classrooms on the site. This would allow the Applicant to continue its educational activities inside while the new facility is completed.

She described the trailer as a standard temporary classroom trailer which will have to be removed within a specific time after the new facility is completed.

Mr. Rothwell confirmed that the Planning Commission approved the amended site plan to include the temporary structure. The approval stipulates that the temporary structure will have to be removed upon completion of Phase II of the project or within three years whichever occurs first.

Ms. Fink stated that the temporary structure would only be used for educational purposes. She also said it would be placed over existing lot coverage.

In response to a question from a board member Kelly Phillips Cox, Executive Director, PWEC, 6129 Tilghman Island Road, P.O. Box C, Tilghman, Maryland 21671, said that they were hoping to apply for a building permit for the new permanent facility by January 2016.

Mr. Rothwell clarified that the Planning Commission approval included a three-year time limit for the temporary structure with the possibility of a one-time, one-year extension. He said the site plan should be approved within about three weeks.

Ms. Cox said that they are still working on their funding for the main building.

Mr. Rothwell explained the construction and demolition sequence of the project.

Ms. Cox said that they are hoping to complete all phases in three years.

Gary D. Crawford, Tilghman, a member of the Board of PWEC, testified in support of the application. He explained the need for temporary classrooms while the new construction is phased in as funding allows. They will provide a temporary venue for PWEC's educational mission.

No one appeared in opposition to the proposal.

There being no further evidence, the Board considered the application. Upon motion duly made and seconded, the Board made the following findings of fact and law:

1. All legal requirements pertaining to a public meeting were met.

2. The proposed modification of special exception is consistent with the purposes and intent of the Talbot County Comprehensive Plan and complies with the standards of the land use district in which it is located. The proposed modification is for a use previously approved by the Board of Appeals. It simply allows the use to be implemented with a temporary structure while a more permanent structure is completed. As the Board previously found, the proposed use continues to fit the County Land Use Plan which states that industrial uses in village centers should be limited to those that support agriculture, forestry and commercial maritime use. The activities proposed by the Applicant clearly support commercial maritime uses, a historic economic foundation for the Tilghman Island area.
3. The proposed modification will comply with the standards of the zoning district in which it is located, except as those standards may have been modified by the granting of a variance. The Applicant plans to continue the current use as a seafood processing facility and build on that use by providing demonstration and education opportunities about that use. The use, as modified by the special exception, will comply with all County standards.
4. The scale, bulk and general appearance of the modification of special exception use will be such that the use will be compatible with adjacent land uses and with existing and potential uses in its general area, and will not be detrimental to the economic value of neighboring property. The historic and future use of the property is compatible with the nearby residential commercial, maritime, and agricultural properties.
5. The modification of special exception will not constitute a nuisance to other properties and will not have significant adverse impacts on the surrounding area due to trash, odors,

noise, glare, vibration, air and water pollution, and other health and safety factors or environmental disturbances. With the conditions imposed by this special exception modification the facility should not constitute a nuisance or otherwise have adverse impacts.

6. The use will not have significant adverse impact on public facilities or services including roads, schools, water and sewer facilities, police and fire protection, or other public facilities or services. The use of the property will not change significantly. Any traffic associated with the use will be minimal. Adequate water and sewer facilities to service the site currently exist. Existing police and fire protection are sufficient for any foreseeable emergency needs created by the use.
7. The modification of the previously approved special exception will not have a significant adverse effect upon marine, pedestrian or vehicular traffic. The site has direct access to Maryland Route 33, a state highway and the major thoroughfare to and from Tilghman Island. Any commercial traffic to the site will not have to use residential streets. The proposal has adequate parking for all anticipated uses.
8. The modified special exception use will not produce traffic volumes which would exceed the capacity of public or private roads in the area or elsewhere in the County, based on the road classifications established in Chapter 134, the Talbot County Roads and Bridges Ordinance, and other applicable standards for road capacity.
9. Any vehicle access to proposed off-street parking areas and drive-in facilities are designed to minimize conflicts between vehicular, bicycle and pedestrian traffic and to minimize impacts on adjacent properties and on public or private roads. The proposal will not result in any increase in commercial and truck traffic using residential streets and

will not create a hazard to developed residential areas. The proposal will not change the use of the property.

10. The proposed modification of special exception will not significantly adversely affect wildlife with respect to the site's vegetation, water resources, or its resources for supplying food, water, cover, habitat, nesting areas, or other needs of wildlife. The planned improvements should have a positive impact on wildlife.
11. The proposed modification of special exception will not adversely affect any adjacent existing agricultural uses. The use should have no such impact.

HAVING MADE THE FOREGOING FINDINGS OF FACT AND LAW, IT IS, BY THE TALBOT COUNTY BOARD OF APPEALS,

RESOLVED, that the Applicant, **PHILLIPS WHARF ENVIRONMENTAL CENTER, INC.** (Appeal No. 15-1634) is **GRANTED** the requested modification of special exception, consistent with the evidence submitted to the Board of Appeals and subject to the following conditions:

1. The Applicant shall obtain an amendment to a previously approved Major Site Plan from the Talbot County Planning Commission.
2. The Applicant shall remove the proposed temporary classrooms upon the completion of Phase II of construction, and prior to the issuance of a certificate of occupancy for said building. If Phase II improvements are not completed within three years of the date of this decision, the Applicant may apply for an extension from the Planning Commission as outlined in the site plan amendment process by the Planning Commission.
3. Any future net increase in areas classified as "Community and Cultural Facilities" (i.e. classrooms, exhibit space) as defined by the *Talbot County Code* §190-208 shall require approval of the Board of Appeals.

4. The Applicants shall commence construction on the proposed improvements within eighteen (18) months from the date of this decision.
5. The Applicant shall make applications to and follow all of the rules, procedures, and construction timelines as outlined by the Department of Permits and Inspections regarding new construction.

The vote of the Board of Appeals was five to zero to grant the modification of special exception subject to the aforementioned conditions.

GIVEN OVER OUR HANDS, this 8th day of October, 2015.

**TALBOT COUNTY BOARD OF APPEALS**

  
Paul Shortall, Jr., Chairman

  
Phillip Jones, Vice Chairman

  
John Sewell

  
Margaret Young

  
Jeffrey Adelman